UNITED STATES PATENT AND TRADEMARK OFFICE

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10/620,048	07/15/2003	Darwin Rambo	15001US01	7642

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-26_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-26_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   The instant application having Application No. 10/620048 has a total of 26 claims

pending in the application; there are 4 independent claims and 22 dependent claims, all

of which are ready for examination by the examiner.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a
foreign country or in public use or on sale in this country, more than one year
prior to the date of application for patent in the United States.

3.   Claims 1-22, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated

by Ludwig (5758079).

Regarding claim 1, Ludwig teaches a system for configuring a conference call

comprising a computing device that is communicatively coupled with a server, *(Fig 21*

element 63) said computing device capable of displaying,*(fig 18b)* to a participant of a

conference call, information regarding a status of the conference call based on at least

one communication received from said server.*(Ludwig teaches this by disclosing for*

example, during a call, a call request from another party could arrive. This arrival could

be signaled to the user by providing an alert indication in a dialog box on the user's

CMW screen; Column 23 line 11-14)

Regarding claim 2, Ludwig taught the system of claim 1, as described above.

Ludwig further teaches wherein said computing device comprises a display (fig 18a

element 200) used for said displaying. *(Ludwig discloses Fig 81, 8b and 8c illustrate the*

video window on a typical CMW screen which may be generated during operation of a

preferred embodiment of the present invention; Column 4 line 36-38)

Regarding claim 3, Ludwig taught the system of claim 2, as described above.

Ludwig further teaches wherein said display generates a graphical user interface.

(Ludwig discloses a simple example of the smooth integration of functions made

possible by the above-described approach is that the GUI and software used for

snapshot sharing (described below) can also be used as an input/output interface for

multimedia mail and more general forms of multimedia documents; Column 10 line 5-9).

Regarding claim 4, Ludwig taught the system of claim 3, as described above.

Ludwig further teaches wherein said graphical user interface provides one or more lists

of participants grouped by way of one or more conference calls. (Ludwig discloses also

present on the CMW in this embodiment are standard multitasking operating

system/GUI software 180; Column 18 line 45-49)

Regarding claim 5, Ludwig taught the system of claim 1, as described above.

Ludwig further teaches wherein user inputs are generated using a point, click, and drag

device. *(Ludwig discloses once the user elects to initiate a collaborative session, he or*

she selects one or more desired participants by, for example, clicking on that name to

select the desired participants by, for example, clicking on that name to select the

desired participant from the system rolodex, or a personal rolodex; Column 19 line 6-8).

Regarding claim 6, Ludwig taught the system of claim 5, as described above. Ludwig as teaches wherein said point, click, and drag device comprises a mouse. (*Ludwig discloses the addition of certain audio and video I/O devices to the standard components of the base platform 100 (where standard components include the display monitor 200, keyboard 300 and mouse or tablet or other pointing device) 400); Column 15 line 12-16)*

Regarding claim 7, Ludwig teaches is a method of configuring side conference calls comprising: selecting one or more participant identifiers from at least one existing conference call; and positioning said selected participant identifiers into at least one side conference call identifier. (*Ludwig discloses the preferred embodiment provides two ways for initiating a conference call. The first way is to add one or more parties to an existing two-party call.   For this purpose, an ADD button is provided by both the collaboration Initiator and the Rolodex, as illustrated in Figs 2A and 22; Column 24 line 39-43)*

Regarding claim 8, Ludwig taught the method of claim 7, Ludwig also teaches wherein said positioning said selected participant identifier comprises: pointing to said selected participant identifier using a point, click, and drag device; clicking on said selected participant identifier using said point, click, and drag device; and dragging said selected participant identifier using said point, click, and drag device to said at least one side conference identifier. (*Ludwig discloses, to add a new party, a user selects the party to be added(by clicking on the user's rolodex name or face icon as described above)and clicks on the ADD button to invite that new party; Column 24 line 43-46)*

Regarding claim 9, Ludwig taught the method of claim 8, as described above.

Ludwig also teaches wherein said point, click, and drag device comprises a mouse.

(Ludwig discloses the addition of certain audio and video I/O devices to the standard

components of the base platform 100 (where standard components include the display

monitor 200, keyboard 300 and mouse or tablet(or other pointing device) 400); Column

15 line 12-16)

Regarding claim 10, Ludwig taught the method of claim 7, as described above.

Ludwig further teaches, comprising creating said at least one side conference identifier

for configuring said side conference calls. *(Ludwig teaches the way is to add one or*

more parties to an existing two-party call. For this purpose, an add button is provided

by both the collaboration initiator and the Rolodex, as illustrated in Figs. 2A and 22;

Column 24 line 41-43.)

Regarding claim 11, Ludwig teaches a method of configuring one or more

conference calls comprising: creating conference identifiers; and grouping participant

identifiers into said conference identifiers. *(Ludwig discloses in the preferred*

embodiment, session participants can be selected from a graphical rolodex 163 that

contains a scrollable list of user names or from a list of quick-dial buttons 162; Column

18 line 63-66. Ludwig also discloses once the user elects to initiate a collaborative

session, he she selects one or more desired participants by for example, clicking on that

name to select the desired participant from the system rolodex or a personal rolodex, or

by clicking on that name to select the desired participant from the system rolodex or a

personal rolodex; Column 19 line 6-9)

Regarding claim 12, Ludwig teaches wherein said conference identifiers comprise software objects. *(Fig 35, shows the conference identifiers as being comprising software object.)*

Regarding claim 13, Ludwig taught the method of claim 12, as described above. Ludwig further teaches wherein said software objects may incorporate a conference call name, icon, logo, or insignia.*(Fig 40)*

Regarding claim 14, Ludwig taught the method of claim 11, as described above. Ludwig also teaches comprising selecting a participant identifier to effectuate receipt of a corresponding video feed. *(Ludwig discloses Fig 2A and 2B are photographs which attempt to illustrate, to the extent possible in a still image, the high quality of the full-motion video and related user interface displays that appear on typical CMW screens which may be generated during operation of a preferred embodiment of the invention. Column 4 line 10-15)*

Regarding claim 15, Ludwig taught the method of claim 14, as described above. Ludwig further teaches wherein said corresponding video feed is displayed by a display. *(Ludwig discloses received video signals are displayed on the CMW screen or on an adjacent monitor, and the accompanying audio is reproduced by a speaker provided in and near the CMW; Column 6 line 47-50)*

Regarding claim 16, Ludwig taught the method of claim 15, as described above. Ludwig also teaches wherein said display utilizes a graphical user interface. *(Ludwig discloses also present on the MW is this embodiment are standard multitasking operating system/GUI software 180; Column 18 line 41-42.)*

Regarding claim 17, Ludwig taught the method of claim 14, as described above. Ludwig teaches also comprising generating a new window for displaying said corresponding video feed. *(Ludwig discloses Figs. 8A, 8B and 8C illustrate the video window on a typical CMW screen which may be generated during operation of a preferred embodiment of the present invention; Column 4 line 36-38.)*

Regarding claim 18, Ludwig taught the method of claim 11, as described above. Ludwig also teaches further comprising locking said one or more conference calls to prevent participation by additional participants. *(Ludwig discloses a client can create an exclusive service on a set of ports to prevent other clients from creating services on these ports; Column 21 line 25-26.)*

Regarding claim 19, Ludwig taught claim 11, as described above. Ludwig also teaches further comprising providing a roll call of participants participating in said one or more conference calls. *(Ludwig discloses, in addition to the controls shown in Fig. 8B, the mutli-party conference screen also includes buttons/ menu items that can be used to place individual conference participants on hold, to remove individual participants from the conference; Column 24 line 21-25.)*

Regarding claim 20, Ludwig teaches a method of graphically viewing and participating in one or more conference calls comprising selecting participants for one or more conference calls by way of pointing, clicking, and dragging participant identifiers into one or more conference identifiers. *(Ludwig discloses the preferred embodiment provides two ways for initiating a conference call. The first way is to add one or more parties to an existing two-party call. For this purpose, an Add button is provided by both*

the collaboration Initiator and the Rolodex, as illustrated in Figs. 2A and 22. To add a

new party a user selects the party to be added (by clicking on the user's rolodex name

or face icon as described above); Column 24 line 39-46)

Regarding claim 21, Ludwig teaches the method of claim 20, as described

above. Ludwig also teaches further comprising selectively receiving an audio feed of

said one or more conference calls by way of using said one or more conference

identifiers. *(Ludwig discloses Client programs can specify which of the 4 physical*

connections on its ports should be switched. This allows client programs to establish

unidirectional calls (e.g., by specifying that only the port's input connections should be

switched and not the port's output connections) and audio-only or video-only calls (by

specifying audio connections only or video connections only; column 20 line 57-63.

This allows the collaboration Initiator to find collaboration participants no matter where

they are located; Column 21 line 7-9.)

Regarding claim 22, Ludwig taught the method of claim 21, as described above.

Further comprising receiving a video feed of said conference call by way of using said

participant identifiers. *(Ludwig discloses when a multi party conference call is initiated,*

the CMW provides a screen that is similar to the screen for two-party calls, which

displays a live video picture of the caller's image in a video window. However for multi-

party calls, the screen includes a video mosaic containing a live video picture of each of

the conference participants; Column 24 line 10-16.)

Regarding claim 25 Ludwig taught the method of claim 22, as described above.

Ludwig further teaches wherein said video feed comprises a recorded playback of said

one or more conference calls. (*Ludwig states teleconferences may be recorded and stored for later payback, including both audio/video and all data interactions; Column 3 line 12-14.*)

Regarding claim 26 Ludwig taught the method of claim 25, as stated above. Ludwig further teaches wherein said recorded playback comprises an image enhanced playback. (*Ludwig discloses audio/video editors and views running on the client workstation use the same software interfaces as the multimedia teleconferencing system to establish these network connections; Column 28 line 48-67 and Column 32 line 45-47.*)

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 23 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig (5758079) in view of Flanagan (6339754).

Regarding claim 23, Ludwig taught the method of claim 21, as described above. Ludwig does not teach comprising receiving a translated version of said audio feed.

Flanagan teaches receiving a translated version of said audio fee. (*Flanagan discloses the present invention relates generally to a system for automated translation of speech in a real-time conferencing or chat environment. Particularly, the present .*

invention integrates speed recognition, machine translation, and speech generation

technology into a system for accepting messages from and broadcasting messages to

subscribers of an online information system such that a message spoken by a

subscriber in a first language may be heard by subscribers in a second language. ;

column 1 line 13-21)

Ludwig) and Flanagan are analogous art because they are from the same field

of endeavor of computer conferencing.

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to modify a conferencing system as taught by Ludwig to include a

translation audio feed as taught by Flanagan. One of ordinary skill in the art would have

been motivated to make this modification in order to have a conferencing system to

include the translation of Flanagan because it provides the advantage of multi language

participants to partake in the conference with out a live translator (another person)

present or a transcript which has to be sent to be translated. This modification will allow

for decision making in the fast moving commodities trading markets where many

thousands of dollars of profit (or loss) may depend on an expert trader making the right

decision within hours, or even minutes, or receiving a request from a foreign client;

Ludwig: Column 1 line 53-57.)

Therefore, it would be obvious to combine Ludwig (5758079) with Flanagan

(6339754) for the benefit of creating an audio/video conferencing system to obtain the

invention as specified in claim 23.

Regarding claim 24, Ludwig together with Flanagan taught the method of claim

23, as described above   Flanagan further teaches translated version is generated at

server. (*Flanagan discloses in a preferred embodiment of the present invention,*

translation services are provided by one or more dedicated servers executing

application software that has been designed to provide translation of many types

electronic communications; Column 6 line 46-50).

Conclusion

6.   The following prior art made of record and not relied upon is cited to establish the

level of skill in the applicant's art and those arts considered reasonably pertinent to

applicant's disclosure. See MPEP 707.05 ©.

7.   The following reference teaches execution of trial data.

US 2001/6289382

US 1999/5999525

US 2003/6584076

US 2004/6816468

US 2003/0110220

The examiner requests, in response to this Office action, support be shown for

language added to any original claims on amendment and any new claim. That is

indicated support for newly added claim language by specifically pointing to page(s) and

line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Smarth whose telephone number is (571)270-1923. The examiner can normally be reached on Monday-Friday(7:30am-5:00pm)est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571)272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Smarth
5/22/07

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